



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/598,532

11/29/2006

Rodney Arthur Hilditch

132-06

6973

23713

7590

03/10/2008

GREENLEE WINNER AND SULLIVAN P C

4875 PEARL EAST CIRCLE

SUITE 200

BOULDER, CO 80301

EXAMINER

MEYER, KATY E

ART UNIT

PAPER NUMBER

3618

MAIL DATE

DELIVERY MODE

03/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/598,532	HILDITCH, RODNEY ARTHUR	
	Examiner	Art Unit	
	Katy Meyer	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/9/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 12, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Thorne (US 6,046,565).

As for claim 1, Thorne discloses a dolly (10) on which a load can be carried, said dolly having wheels (14) enabling its movement over a support surface, wherein the

wheels each have a peripheral surface which comprises a plurality of spaced projections (25) and recesses therebetween (see Fig. 4A).

As for claim 5, Thorne discloses wheels made of polymeric materials (see column 5, lines 50 – 56).

As for claim 12, Thorne discloses a radio transponder (see column 6, lines 64 – 67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 4, 6 – 9, 11, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. (US 4,203,609) in view of Lachenmaier (US 593,419).

Mitchell et al. disclose a dolly (10) on which a load can be carried. Mitchell et al. do not disclose the claimed wheels. Lachenmaier teach wheels (A) having a peripheral surface comprising a plurality of rectangular spaced projections and recesses therebetween (see Figs. 1 and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the dolly disclosed by Mitchell et al. with the wheels taught by Lachenmaier to improve the traction of the wheels.

Lachenmaier further disclose a corrugated support surface (D) having generally rectangular corrugations (see Fig. 3). The width of each wheel is greater than the spacing between the ridges of the corrugated surface (see Figs. 1 and 2).

Mitchell et al. further disclose a dolly wherein the load body is made of plastics material (column 3, line 17); the wheels are partially accommodated in recesses (see Fig. 7) and are rigidly supported (see 48); coupling means enable a number of dollies to be connected together (column 1, lines 8 – 11); and the wheels are carried by a chassis (15, see Fig. 2).

Mitchell et al. further disclose a method wherein the dolly is loaded and placed on another vehicle (see column 1, lines 17 – 19).

Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kern et al. (US 5,556,118) in view of Lachenmaier (US 593,419).

Kern et al. disclose a dolly (Fig. 1) on which a load can be carried (see Fig. 2). Kern et al. do not disclose the claimed wheels. Lachenmaier teach wheels (A) having a peripheral surface comprising a plurality of rectangular spaced projections and recesses therebetween (see Figs. 1 and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the dolly disclosed by Kern et al. with the wheels taught by Lachenmaier to improve the traction of the wheels.

Kern et al. further disclose two wheels (104) which are pivotable about respective castor axes and two wheels (127) which are not pivotable in such a manner.

Claims 1 and 13 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al. (US 5,556,118) in view of Lachenmaier (US 593,419) and Saxton et al. (US 5,979,335).

Freeman et al. disclose a dolly (Fig. 1) on which a load can be carried. Freeman et al. do not disclose the claimed wheels. Lachenmaier teach wheels (A) having a peripheral surface comprising a plurality of rectangular spaced projections and recesses therebetween (see Figs. 1 and 2).

Freeman et al. disclose a method of loading goods on the dolly and loading the dolly onto a vehicle, wherein said vehicle is a railway wagon (see column 1, lines 15 – 21). Freeman further discloses coupling said dollies together to form a train. Freeman further discloses a method of securing the dollies on a wagon by engaging retaining devices (70, see column 4, lines 45 – 50).

Saxton et al. disclose a railway wagon (Fig. 9) for motor vehicle transportation. Said wagon has a corrugated floor surface (see 100, 104, 106).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the dollies disclosed by Freeman et al. on the railway wagon taught by Saxton et al., including the wheels taught by Lachenmaier so that the dollies would have sufficient traction within the wagon.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katy Meyer whose telephone number is (571)272-5830. The examiner can normally be reached on Monday - Friday, 7:30 am to 5:00 pm.

Art Unit: 3618

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/
Supervisory Patent Examiner, Art Unit 3618

/Christopher P Ellis/
Supervisory Patent Examiner, Art
Unit 3618

/K. M./
Examiner, Art Unit 3618